

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Offense charged: Felon in Possession of Firearm (two counts)

Date of Detention Hearing: May 4, 2009

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) Defendant has a lengthy criminal record that includes multiple failures to appear, failures to report, and failures to comply with court orders, including failure to participate in

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01 chemical dependency treatment. He was terminated from a Drug Court Program in state court.

02 (2) He is not employed, and reports no assets or income.

03 (3) In an incident arising out of a 2005 arrest, he is alleged to have swung at a police
04 officer's head with a closed fist.

05 (4) Defendant poses a risk of nonappearance due to a history of failure to appear and
06 failure to abide by terms of supervision, lack of employment, controlled substance use despite
07 previous treatment, and possible mental health condition. Defendant poses a risk of danger based
08 on alleged controlled substance use, a history of an attempt to assault a police officer, and the
09 nature of the instant charge.

10 (5) There does not appear to be any condition or combination of conditions that will
11 reasonably assure the defendant's appearance at future Court hearings while addressing the
12 danger to other persons or the community.

13 It is therefore ORDERED:

14 (1) Defendant shall be detained pending trial and committed to the custody of the
15 Attorney General for confinement in a correction facility separate, to the extent
16 practicable, from persons awaiting or serving sentences or being held in custody
17 pending appeal;

18 (2) Defendant shall be afforded reasonable opportunity for private consultation with
19 counsel;

20 (3) On order of a court of the United States or on request of an attorney for the
21 Government, the person in charge of the corrections facility in which defendant
22 is confined shall deliver the defendant to a United States Marshal for the purpose

01 of an appearance in connection with a court proceeding; and

02 (4) The clerk shall direct copies of this Order to counsel for the United States, to
03 counsel for the defendant, to the United States Marshal, and to the United States
04 Pretrial Services Officer.

05 DATED this 4th day of May, 2009.

06 
07 Mary Alice Theiler
08 United States Magistrate Judge